

William A. Wittenberg
2714 Edison Avenue
Wesleyville, Pennsylvania 16510-1724

Chair, Planning Commission
Borough of Wesleyville (Pennsylvania)

Honorable Ruth Y. Goldway, Chair
U.S. Postal Regulatory Commission
901 New York Avenue, NW – Suite #200
Washington D.C. 20268-001

June 6th 2011

Commissioner Goldway:

The following is submitted In the pending matter of United States Postal Service's, (USPS) April 22nd 2011 closing of the Wesleyville Post Office, Pennsylvania, (16510-1700) and related, Postal Regulatory Commission (PRC) Docket No: A2011-12 of the related "request petition" and "request for intervention" before and submitted to the PRC. The following is respectfully-submitted in rebuttal, as a summation of all my previously-submitted contentions and against all and everything as previously-submitted by the USPS for PRC consideration in this matter.

The USPS did not abide with the 'Spirit & Intent' of USC Title 39, Part I, Chapter 4 Section 404. (d)(1)! Despite the USPS' contention that it "... satisfied the salient provisions of USC Title 39, Section 404(d)..." by "...distributed(ing) questionnaires to customers notifying them of the possible discontinuance of the Wesleyville Branch...", there is NEITHER any documented evidence nor was any provided by the USPS that ALL types of Wesleyville Branch customers (e.g., including those receiving 'home mail delivery within the 16510 Postal ZIP Code, who use the Wesleyville Post Office and those residing in areas adjacent to Wesleyville and using it). The contention is that the USPS' statement of April 12th 2011, in reality, ONLY, means that the "post office box" customers received the "questionnaires" on August 18th 2009, along with these questionnaires being made available to over-the- counter, retail customers of the facility.

Also, NO other formal, official notice can be found or was submitted by the USPS, substantiating that such notice was made available to Wesleyville Post Office customers by such notice's actually being posted at the Wesleyville Post Office, providing all customers with the required notice and the required time to respond by providing input to a proposed, closing of the Wesleyville Post Office! The March 19th 2011, posting of the two, eight & one-half by eleven inch, paper signs on the inner- and outer-doors of the Wesleyville Post Office facility was the first USPS posting of notice to the facility's customers that the USPS made a 'final determination' to close the Wesleyville Post Office.

The USPS' soliciting of input to the proposed closing and the stated customer response is also very misleading. This substantiated by fact that USPS stating, "...Postal Service received (only) seventy-nine customer responses to the questionnaires...." to the USPS' August 18th 2009 questionnaire! Interesting enough is the USPS' Exhibit 1's 2nd Paragraph of April 12th 2011, USPS "Pleading" that stated, "...The Wesleyville Classified Branch provides service to 183 post office boxes..." when compared to the coincidently-close "... seventy-nine customer responses..." along with "over-the-counter questionnaires" returning responses to questionnaires. The statistically-probable rate-of-response anticipated to such a survey bears a strange numerical closeness with the "183 post office boxes"! Furthermore, the USPS' March 18, 2011, "... letter to community leaders..." (e.g., which was ONLY received by me) NEITHER constitutes compliance with USC Title 39, Part I, Chapter 4 Section 404. (d)(1), either in an actual or salient form.

Neither did the USPS actually-comply with USC Title 39, Section 404(b) & 404(b)(2) ("Applicability"), as it did NOT provide the required notice to at the actual, Wesleyville Post Office facility to ALL the Wesleyville Post Office Branch's customers (e.g., as referenced by USC Title 39, Subpar H of Section 3001.110 stating, "... a determination of the Postal Service to close or consolidate a post office any decision to close or consolidate a post office must be preceded by 60 days notice to persons served by such post office, the opportunity for such persons to present their views, and a written determination based upon consideration of each of the factors listed in section 404(b)(2) of the Act. This notice must include a provision stating that, pursuant to Pub. L. 94-421...").

The USPS contention (e.g., as the USPS stated in April 12th 2011, USPS "Pleading;" in response to PRC Docket A2011-12) that the USPS' "...Publication 32, Glossary of Postal Terms ..." discounts USC Title 39 applicability in regard to the closing of the Wesleyville Post Office was previously-discarded by the PRC in more than one instance. The PRC correctly, previously, refused and refuted such a position, based on the position that lay, Postal Service customer generally-consider any postal facility with normal services (e.g., counter services, post office boxes, etc.), a "post office branch" facility, regardless of any finite set of technical definitions dictating otherwise.

The USPS contention that the USPS' January 29th 2010, "News Release Number 09-07" constituted its "Final Determination" is similarly-refuted by the actual words of the news release itself. USPS News Release 09-007' Sub-Title, "No final decisions have been made" in and of itself clearly-states its January 29th 2010 position. NO additional USPS news releases were issued, regarding consolidation or closure of ANY USPS facility. Again, an average, USPS lay-customer is almost-certainly not even aware of "USPS News Releases" being issued. Additionally, NEITHER the USPS' News Release Number 10-018 of March 2nd 2010 ("Postal Service Outlines 10-Year Plan to Address Declining Revenue, Volume") NOR any other USPS news release, issued after January 29th 2010, made ANY reference to either consolidation or closure of USPS facilities!

In summary, the USPS also-violated USC Title 39, Part I, Chapter 4 Section 404. (d)(2)(A)(i) & (iii); USC Title 39, Part 1, Chapter 4, Section 404. (d)(3) and Title 39, Section 404.(d)(2)(A), Sub-Sections (i) & (iii), as previously-stated. My March 25th, April 10th 2011 and April 19th 2011, PRC Form #61 submissions provided specific details, footnotes and references.

Lastly and sadly, and provided as an 'aside' to further illustrate the apparent disregard for the customers of the actual, former Wesleyville Post Office Branch, on the Monday (April 25th 2011), following the Friday, April 22nd 2011, actual closing/last day of service of the Wesleyville Post Office, the USPS removed not-only the "lettering" on the front of the Wesleyville Post Office (e.g., "United States Post Office-Wesleyville, Pa-16510") but-also removed the 'centrally-located, walk-up mailbox' that was located directly in front of the building, DESPITE that fact that the current USPS lease of the property does NOT expire until November 30th 2012! Admittedly and honestly, another drive-/walk-up mailbox remains located, adjacent to the Wesleyville Borough's Public Parking Lot but it is NOT 'centrally-located' within the Borough!

Bottom-line, the USPS did NOT afford ANY measure of "due process" NEITHER in accordance with USC Title 39 NOR its 'Spirit & Intent'! Again, despite any economic necessity, "fairness" of ensuring due process remains and should ALWAYS remain an integral element of not-only the America way-of-life but-also an institution with the history and service tradition inherited from the United States Post Office.

Respectfully-Submitted,

W. A. Wittenberg

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